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| 10/712,735 | 11/13/2003 | Olaf Vancura | 1482/161(f) | 8906 |
| 23381 7590 07/24/2008 DORR, CARSON & BIRNEY, P.C. ONE CHERRY CENTER 501 SOUTH CHERRY STREET SUITE 800 DENVER, CO 80246 | | | | |
| EXAMINER | | | | |
| TORIMERO, ADETOKUNBO OLUSEGUN | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,735

Applicant(s)

VANCURA, OLAF

Examiner

ADETOKUNBO O. TORIMIRO

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54, 56-58, 60, 61 and 63-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54, 56-58, 60, 61 and 63-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed on 05/07/2008 has been entered. It is noted that claims 54,56-58,60,61, and 63-72 have been amended. Claims 55 and 62 has been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 54,56-58, 60,61,63,64, 66-67, and 69-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frohm et al (US 6,234,897) in view of Baerlocher et al (US 6,464,582).

Re claim 54: Frohm et al teaches a method for playing a gaming machine, the gaming machine having a plurality of game symbols (see **figs.1 and 2; col.2, lines 13-16**), said method comprising: a. randomly displaying a combination of the plurality of game symbols in the gaming machine (see **fig.7; col.3, lines 56-58 and col.4, lines 35-40**), the plurality of game symbols at least including value / *winning* symbols and end of game / *losing* symbols (see **col.3, lines 20-29**), b. determining the values in any value symbols displayed in the gaming machine in response to the step of randomly displaying (see **col.3, lines 64-66 and col.7, lines 40-42**), c. accumulating in the gaming machine the determined values to an accumulated winnings value, d. repeating in the gaming machine steps a, b, and c until predetermined number of end game symbols is randomly displayed, e. ending play in the gaming machine when the predetermined

number is reached; wherein the predetermined number is one (see **figs.7 and 8; col.7, lines 40-62**).

Baerlocher et al also teaches the plurality of game symbols at least including value / *winning* symbols and end of game (see **abstract; col.2, lines 57-67; col.3, lines 1-28; col.7, lines 56-67; col.8, lines 1-35**); sum award values (see **col.10, lines 6-11**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Frohm et al and Baerlocher et al. One would be motivated to make this combination so as to have a system whereby the gaming machine displays symbols with values attached to them for starting the game and for stopping the game, and also to sum award values thereby making the game more interesting.

Re claims 56-58: Frohm et al teaches further including null / *blank* symbols in the game symbols (see **col.4, lines 35-37**); wherein the value symbols include positive integer values; wherein the value symbols include negative integer values (see **fig.3**); wherein the value symbols include multipliers (see **figs. 10A-10D; col.8, lines 10-21**). **It is apparent to Examiner that if the symbols can include positive integers, it is a preference to include negative integers.**

Re claims 60 and 61: Frohm et al teaches further comprising: ending the bonus game when a player stop signal is received in response to the step of accumulating, and awarding the accumulated winnings value in response to the received player stop signal (see **fig.8; col.7, lines 59-62**); further comprising determining when the accumulated winnings value at least equals a predetermined winnings value, ending the bonus game, and awarding the accumulated winnings

value (see fig.12; col.9, lines 9-40); wherein the predetermined number is one and the end game symbol is a lose symbol (see col.7, lines 45-58).

Re claim 63: Frohm et al teaches a method for playing a bonus game, the bonus game having a plurality of game symbols (see figs.1 and 2; col.2, lines 13-16), said method comprising: a. randomly displaying a combination of game symbols from the plurality of game symbols in the bonus game (see fig.7; col.3, lines 56-58 and col.4, lines 35-40), the plurality of game symbols including at least one value / winning symbols and at least one end of game / losing symbol (see col.3, lines 20-29), b. determining values in any value symbols displayed in the bonus game in response to the step of randomly displaying (see col.3, lines 64-66 and col.7, lines 40-42), c. accumulating in the bonus game the determined values to an accumulated winnings value, d. repeating in the bonus game steps a, b, and c until the accumulated winnings value reaches a predetermined value, e. ending the bonus game when the predetermined value is reached and the at least one end game symbol has not been displayed on any combination of game symbols (see figs.7 and 8; col.7, lines 40-62).

Baerlocher et al also teaches the plurality of game symbols at least including value / winning symbols and end of game (see abstract; col.2, lines 57-67; col.3, lines 1-28; col.7, lines 56-67; col.8, lines 1-35); sum award values (see col.10, lines 6-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Frohm et al and Baerlocher et al. One would be motivated to make this combination so as to have a system whereby the gaming machine

displays symbols with values attached to them for starting the game and for stopping the game, and also to sum award values thereby making the game more interesting.

Re claim 64: Frohm et al teaches the method further comprising: paying an award different from the predetermined value in response to ending the bonus game (see fig.8; col.7, lines 59-62).

Re claim 66: Frohm et al teaches the method further comprising paying the predetermined value in response to ending the bonus game value (see fig.12; col.9, lines 9-40).

Re claim 67: Frohm et al teaches a method for playing a bonus game, the bonus game having a plurality of game symbols (see figs.1 and 2; col.2, lines 13-16), said method comprising: a. setting a count value to zero when the bonus game starts (see col.7, lines 2-5), b. incrementing the count value each play of a bonus game (see col.7, lines 39-40), c. randomly displaying a combination of game symbols from the plurality of game symbols in each play of the bonus game (see fig.7; col.3, lines 56-58 and col.4, lines 35-40), the plurality of game symbols including at least one end game / losing symbol (see col.3, lines 20-29), d. repeating in the bonus game steps b and c until the count value reaches a predetermined value, e. ending the bonus game when the predetermined value is reached and the at least one end game symbol has not been randomly displayed in any combination of game symbols (see figs.7 and 8; col.7, lines 40-62).

Baerlocher et al also teaches the plurality of game symbols at least including value / *winning* symbols and end of game (see abstract; col.2, lines 57-67; col.3, lines 1-28; col.7, lines 56-67; col.8, lines 1-35); sum award values (see col.10, lines 6-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Frohm et al and Baerlocher et al. One would be motivated to make this combination so as to have a system whereby the gaming machine displays symbols with values attached to them for starting the game and for stopping the game, and also to sum award values thereby making the game more interesting.

Re claim 69: Frohm et al teaches a method for playing a casino bonus game when a bonus qualifying signal issues during play of a casino gaming machine(see col.2, lines 18-21) comprising: accumulating award values in a display during play of the casino bonus game (see figs.7 and 8; col.7, lines 40-62), receiving a player stop signal from a player input during play of the casino bonus game, displaying an end of bonus game / *losing* symbol in the display during play of the casino bonus game (see col.3, lines 20-29), awarding at least the accumulated award values in response to receiving the player stop signal and before the end of bonus game symbol is displayed in the display signal, ending play of the casino bonus game in response to awarding, ending play of the casino bonus game in response to displaying the end of game symbol before receiving the payer stop signal (see fig.8; col.7, lines 59-62).

Baerlocher et al also teaches the plurality of game symbols at least including value / *winning* symbols and end of game (see abstract; col.2, lines 57-67; col.3, lines 1-28; col.7, lines 56-67; col.8, lines 1-35); sum award values (see col.10, lines 6-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Frohm et al and Baerlocher et al. One would be motivated to make this combination so as to have a system whereby the gaming machine displays symbols with values attached to them for starting the game and for stopping the game, and also to sum award values thereby making the game more interesting.

Re claims 70-72: Frohm et al teaches further including null / *blank* symbols in the game symbols (see col.4, lines 35-37); wherein the value symbols include positive integer values; wherein the value symbols include negative integer values (see fig.3); wherein the value symbols include multipliers (see figs. 10A-10D; col.8, lines 10-21). **It is apparent to Examiner that if the symbols can include positive integers, it is a preference or design choice to include negative integers.**

4. Claims 65 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frohm et al (US 6,234,897) in view of Baerlocher et al and further in view of Moody et al (US 5,976,016). The teachings of Frohm et al and Baerlocher et al have been discussed above.

Re claims 65 and 68: Frohm et al teaches a method for playing a bonus game, the bonus game having a plurality of game symbols (see figs.1 and 2; col.2, lines 13-16).

However, Frohm et al fails to teach further comprising paying a progressive jackpot in response to ending the bonus game.

Moody et al teaches further comprising paying a progressive jackpot in response to ending the bonus game (see col.6, lines 16-27).

Therefore it would have been obvious to one of ordinary skill in the art at the invention was made to make this combination of the teachings of Frohm et al and Moody et al so as to have a game with increased intensity, interest, and anticipation for the game player towards winning at the end of the game.

Response to Arguments

5. Applicant's arguments and amendments with respect to the pending claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Demar et al discloses a gaming machine with bonus mode.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

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/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714